

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SENATE BILL 1084

AN ACT

AMENDING TITLE 5, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 9; PROVIDING FOR THE CONDITIONAL REPEAL OF TITLE 5, CHAPTER 9, ARIZONA REVISED STATUTES; RELATING TO SPORTS AUTHORITY DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 5, Arizona Revised Statutes, is amended by adding
3 chapter 9, to read:

4 CHAPTER 9
5 SPORTS AUTHORITY DISTRICT
6 ARTICLE 1. ORGANIZATION

7 5-1101. Definitions

8 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "ADVISORY BOARD" MEANS THE ADVISORY BOARD OF THE SPORTS AUTHORITY.

10 2. "AUTHORITY" MEANS A SPORTS AUTHORITY ESTABLISHED PURSUANT TO THIS
11 CHAPTER.

12 3. "AUTHORITY BOARD" MEANS THE GOVERNING BOARD OF THE SPORTS
13 AUTHORITY.

14 4. "BOARD OF DIRECTORS" MEANS THE COUNTY BOARD OF SUPERVISORS SERVING
15 AS THE BOARD OF DIRECTORS OF THE DISTRICT.

16 5. "DISTRICT" MEANS A SPORTS AUTHORITY DISTRICT ESTABLISHED PURSUANT
17 TO THIS CHAPTER.

18 6. "MULTIPURPOSE FACILITY" MEANS A STADIUM OR A FACILITY FOR YOUTH
19 SPORTS THAT IS ADAPTED FOR ADDITIONAL ENTERTAINMENT, CULTURAL, CIVIC,
20 MEETING, TRADESHOW OR CONVENTION EVENTS, ON-SITE INFRASTRUCTURE AND RELATED
21 PARKING FACILITIES AND COMMERCIAL ACTIVITY WITHIN THE FACILITY.

22 7. "STADIUM" MEANS A FACILITY INTENDED PRIMARILY FOR USE BY ONE OR
23 MORE MAJOR LEAGUE BASEBALL SPRING TRAINING OPERATIONS, INCLUDING BASEBALL
24 STADIUMS, CLUBHOUSES, PRACTICE FACILITIES, OTHER RELATED FACILITIES, ON-SITE
25 INFRASTRUCTURE AND RELATED PARKING FACILITIES AND COMMERCIAL ACTIVITY WITHIN
26 THE FACILITY.

27 8. "YOUTH SPORTS" MEANS RECREATIONAL AND AMATEUR SPORTING RELATED
28 ACTIVITIES AND COMPETITIONS ORGANIZED IN THE DISTRICT, EXCLUDING ANY
29 ACTIVITIES ORGANIZED BY OR UNDER THE AUSPICES OF A UNIVERSITY OR COMMUNITY
30 COLLEGE OR ANY NATIONAL COLLEGIATE ATHLETIC ASSOCIATION OR NATIONAL JUNIOR
31 COLLEGE ATHLETIC ASSOCIATION SANCTIONED EVENT.

32 5-1102. Formation of district; board of directors; duties

33 A. A SPORTS AUTHORITY DISTRICT IS ESTABLISHED IN EACH COUNTY HAVING A
34 POPULATION OF MORE THAN THREE HUNDRED THOUSAND BUT LESS THAN TWO MILLION
35 PERSONS. THE BOUNDARIES OF THE AUTHORITY ARE THE BOUNDARIES OF THE COUNTY.

36 B. THE COUNTY BOARD OF SUPERVISORS SHALL SERVE AS THE BOARD OF
37 DIRECTORS OF THE DISTRICT. THE DIRECTORS SHALL NOT RECEIVE COMPENSATION OR
38 REIMBURSEMENT OF EXPENSES FOR THEIR SERVICES AS THE BOARD OF DIRECTORS.

39 C. THE BOARD OF DIRECTORS SHALL:

40 1. CALL AN ELECTION FOR THE ESTABLISHMENT OF A SPORTS AUTHORITY IN THE
41 COUNTY AS PROVIDED BY SECTION 5-1103, SUBSECTION A.

42 2. APPOINT CERTAIN MEMBERS OF THE GOVERNING BOARD OF THE SPORTS
43 AUTHORITY AS PROVIDED BY SECTION 5-1103.

44 3. APPROVE A BUDGET OF THE AUTHORITY PURSUANT TO SECTION 5-1131.

1 4. APPROVE THE ISSUANCE OF REVENUE BONDS OF THE AUTHORITY PURSUANT TO
2 ARTICLE 3 OF THIS CHAPTER.

3 D. THE DISTRICT IS A CORPORATE AND POLITICAL BODY, SEPARATE AND
4 INDEPENDENT OF THIS STATE OR THE COUNTY, AND EXCEPT AS OTHERWISE LIMITED,
5 MODIFIED OR PROVIDED BY THIS CHAPTER, HAS ALL OF THE RIGHTS, POWERS AND
6 IMMUNITIES OF MUNICIPAL CORPORATIONS EXCEPT TO ACQUIRE REAL PROPERTY BY
7 EMINENT DOMAIN. THE BOARD OF DIRECTORS AND THE DISTRICT DO NOT HAVE THE
8 POWER TO LEVY OR OTHERWISE IMPOSE ANY TAX OR ASSESSMENT, OTHER THAN CHARGES
9 FOR THE USE OF FACILITIES OWNED OR MANAGED BY THE DISTRICT. THE QUALIFIED
10 ELECTORS RESIDING IN THE DISTRICT MAY LEVY A TAX FOR THE FISCAL NEEDS OF THE
11 DISTRICT AS PROVIDED BY THIS CHAPTER, BUT THE BOARD OF DIRECTORS HAS NO
12 INDEPENDENT AUTHORITY TO IMPOSE A TAX. SUBJECT TO THAT LIMITATION, THE
13 DISTRICT IS CONSIDERED TO BE A TAX LEVYING PUBLIC IMPROVEMENT DISTRICT FOR
14 THE PURPOSES OF ARTICLE XIII, SECTION 7, CONSTITUTION OF ARIZONA.

15 5-1103. Sports authority; establishment; authority board

16 A. THE BOARD OF DIRECTORS SHALL CALL AN ELECTION OF THE QUALIFIED
17 ELECTORS OF THE DISTRICT TO AUTHORIZE THE ESTABLISHMENT OF A SPORTS AUTHORITY
18 WITHIN THE BOUNDARIES OF THE DISTRICT ON THE RECEIPT OF THE PLAN FROM THE
19 AUTHORITY BOARD PURSUANT TO SECTION 5-1104, SUBSECTION A. THE ELECTION SHALL
20 BE HELD AT LEAST NINETY DAYS AFTER THE DISTRICT IS ESTABLISHED.

21 B. THE ELECTION BALLOT SHALL INCLUDE THE FOLLOWING TWO QUESTIONS:

22 1. "SHALL THE SPORTS AUTHORITY DISTRICT LEVY AND COLLECT TAXES AS
23 PROVIDED BY SECTIONS 5-1133 THROUGH 5-1137, ARIZONA REVISED STATUTES?"

24 2. "SHALL THE SPORTS AUTHORITY DISTRICT ISSUE REVENUE BONDS TO FINANCE
25 THE CONSTRUCTION, RENOVATION, EXPANSION OR REPAIR OF CACTUS LEAGUE BASEBALL
26 STADIUMS, YOUTH SPORTS FACILITIES AND MULTIPURPOSE FACILITIES, TO BE PAID
27 EXCLUSIVELY FROM AUTHORIZED TAX REVENUES?"

28 C. THE BOARD OF DIRECTORS SHALL ORDER THE ESTABLISHMENT OF THE
29 AUTHORITY ON THE APPROVAL OF BOTH QUESTIONS BY A MAJORITY OF THE QUALIFIED
30 ELECTORS VOTING ON EACH ISSUE IN THE ELECTION. IF EITHER QUESTION IS
31 DISAPPROVED, THE AUTHORITY SHALL NOT BE ESTABLISHED AND FURTHER PROCEEDINGS
32 UNDER THIS CHAPTER SHALL BE TERMINATED.

33 D. MEMBERS OF THE AUTHORITY BOARD, WHO MUST RESIDE IN THE DISTRICT,
34 SHALL BE APPOINTED WITHIN THIRTY DAYS AFTER THE FORMATION OF THE DISTRICT AS
35 FOLLOWS:

36 1. ONE MEMBER WHO IS APPOINTED BY THE BOARD OF DIRECTORS AND WHO IS
37 SELECTED FROM A LIST OF NOMINEES SUBMITTED BY THE LARGEST INDUSTRY
38 ORGANIZATION OR TRADE ASSOCIATION REPRESENTING HOTEL, MOTEL AND LODGING
39 BUSINESSES IN THE DISTRICT.

40 2. ONE MEMBER WHO IS APPOINTED BY THE BOARD OF DIRECTORS AND WHO IS
41 SELECTED FROM A LIST OF NOMINEES SUBMITTED BY THE LARGEST INDUSTRY
42 ORGANIZATION OR TRADE ASSOCIATION REPRESENTING RESTAURANT BUSINESSES IN THE
43 DISTRICT.

44 3. ONE MEMBER WHO IS APPOINTED BY THE GOVERNING BODY OF THE LARGEST
45 CITY IN THE DISTRICT AND WHO IS SELECTED FROM A LIST OF NOMINEES SUBMITTED BY

1 THE LARGEST INDUSTRY ORGANIZATION OR TRADE ASSOCIATION REPRESENTING
2 AUTOMOBILE RENTAL BUSINESSES IN THE DISTRICT.

3 4. ONE MEMBER WHO IS APPOINTED BY THE GOVERNING BODY OF THE LARGEST
4 CITY IN THE DISTRICT AND WHO IS SELECTED FROM A LIST OF NOMINEES SUBMITTED BY
5 THE LARGEST INDUSTRY ORGANIZATION OR TRADE ASSOCIATION REPRESENTING TOURISM
6 BUSINESSES GENERALLY IN THE DISTRICT.

7 5. ONE MEMBER WHO IS APPOINTED PURSUANT TO SUBSECTION G OF THIS
8 SECTION AND WHO IS SELECTED FROM A LIST OF NOMINEES SUBMITTED BY THE LARGEST
9 INDUSTRY ORGANIZATION OR TRADE ASSOCIATION REPRESENTING TOURISM BUSINESSES
10 GENERALLY IN THE DISTRICT.

11 6. ONE MEMBER WHO IS APPOINTED BY THE GOVERNOR AND WHO IS SELECTED
12 FROM A LIST OF NOMINEES SUBMITTED BY THE LARGEST CHAMBER OF COMMERCE WITHIN
13 THE DISTRICT REPRESENTING RETAIL BUSINESSES GENERALLY IN THE DISTRICT.

14 7. ONE MEMBER WITH SUBSTANTIAL KNOWLEDGE AND EXPERIENCE REGARDING
15 MAJOR LEAGUE BASEBALL WHO IS APPOINTED BY THE BOARD OF DIRECTORS.

16 8. TWO ADDITIONAL MEMBERS WHO ARE APPOINTED BY THE COUNTY BOARD OF
17 SUPERVISORS, OR BY ANY CITY OR TOWN, THAT CONTRIBUTES AT LEAST TWENTY PER
18 CENT OF THE COST OF A PROJECT PURSUANT TO SECTION 5-1106, SUBSECTION C IF THE
19 CONTRIBUTION HAS A VALUE OF AT LEAST FIFTEEN MILLION DOLLARS. MEMBERS SHALL
20 BE APPOINTED PURSUANT TO THIS PARAGRAPH WITHIN THIRTY DAYS AFTER THE
21 EXECUTION OF A BINDING AGREEMENT TO MAKE A QUALIFYING CONTRIBUTION.

22 E. THE APPOINTING ENTITIES PRESCRIBED IN SUBSECTION D OF THIS SECTION
23 SHALL RECEIVE NOMINATIONS FOR APPOINTMENT TO THE AUTHORITY BOARD FROM
24 SPECIFIED COMMERCIAL INTERESTS, AND SHALL APPOINT THE MEMBERS FROM THE
25 NOMINEES. THE APPOINTING ENTITIES SHALL MAKE APPOINTMENTS TO THE AUTHORITY
26 BOARD TO PROVIDE BROAD GEOGRAPHIC REPRESENTATION AMONG THE MEMBERS. NO MORE
27 THAN THREE MEMBERS MAY RESIDE IN THE SAME CITY OR TOWN OR IN THE
28 UNINCORPORATED AREAS OF THE COUNTY. THE INITIAL MEMBERS SHALL BE APPOINTED
29 TO TERMS OF TWO, THREE AND FOUR YEARS, CHOSEN BY LOT. THEREAFTER, ALL
30 SUBSEQUENT MEMBERS SHALL BE APPOINTED TO TERMS OF FOUR YEARS, EXCEPT FOR
31 INTERIM APPOINTMENTS TO FILL UNEXPIRED TERMS. A MEMBER OF THE BOARD MAY BE
32 REMOVED ON A TWO-THIRDS VOTE OF ALL MEMBERS. THE REMOVAL IS EFFECTIVE
33 IMMEDIATELY.

34 F. A MEMBER OF THE AUTHORITY BOARD SHALL NOT HOLD ANY ELECTED OFFICE
35 WHILE SERVING ON THE BOARD. AN AUTHORITY BOARD MEMBER WHO TAKES ELECTIVE
36 OFFICE OR FILES NOMINATING PETITIONS FOR ELECTIVE OFFICE IS CONSIDERED TO
37 HAVE RESIGNED FROM THE AUTHORITY BOARD EFFECTIVE IMMEDIATELY.

38 G. THE APPOINTMENT OF THE AUTHORITY BOARD MEMBER PURSUANT TO
39 SUBSECTION D, PARAGRAPH 5 OF THIS SECTION SHALL BE DETERMINED AS FOLLOWS:

40 1. THE FIRST APPOINTMENT SHALL BE MADE BY THE GOVERNING BODY OF THE
41 SECOND LARGEST CITY IN THE DISTRICT.

42 2. THE SECOND APPOINTMENT SHALL BE MADE BY THE GOVERNING BODY OF THIRD
43 LARGEST CITY IN THE DISTRICT.

1 9. KEEP AND MAINTAIN A COMPLETE AND ACCURATE RECORD OF ALL OF ITS
2 PROCEEDINGS. THE BOARD IS A PUBLIC BODY FOR PURPOSES OF TITLE 38, CHAPTER 3,
3 ARTICLE 3.1 AND TITLE 39, CHAPTER 1.

4 10. PROVIDE FOR THE USE, MAINTENANCE AND OPERATION OF THE PROPERTIES
5 AND INTERESTS OWNED OR MANAGED BY THE AUTHORITY.

6 C. THE AUTHORITY BOARD MAY:

7 1. ENTER INTO CONTRACTS, INCLUDING INTERGOVERNMENTAL AGREEMENTS UNDER
8 TITLE 11, CHAPTER 7, ARTICLE 3, AS NECESSARY TO CARRY OUT THE PURPOSES AND
9 REQUIREMENTS OF THIS CHAPTER.

10 2. ADOPT ADMINISTRATIVE RULES AS NECESSARY TO ADMINISTER AND OPERATE
11 THE AUTHORITY AND ANY PROPERTY UNDER ITS JURISDICTION.

12 3. ACQUIRE BY ANY LAWFUL MEANS, OTHER THAN EMINENT DOMAIN, AND
13 OPERATE, MAINTAIN, ENCUMBER AND DISPOSE OF REAL AND PERSONAL PROPERTY AND
14 INTERESTS IN PROPERTY.

15 4. RETAIN LEGAL COUNSEL AND OTHER CONSULTANTS AS NECESSARY TO CARRY
16 OUT THE PURPOSES OF THE AUTHORITY.

17 5. ENTER INTO CONTRACTS FOR THE LEASE OR RENTAL OF ANY DISTRICT
18 FACILITY OR FACILITIES WITH A NONPROFIT COMMUNITY BASED ORGANIZATION THAT
19 SPONSORS A PROFESSIONAL OR YOUTH SPORTING EVENT THAT PROVIDE FOR THE PAYMENT
20 TO THE ORGANIZATION OF A TICKET SURCHARGE OR FACILITY USER FEE ASSOCIATED
21 WITH PARKING IF THE AUTHORITY HAS FULLY PAID THE CURRENT YEAR'S REQUIRED
22 PRINCIPAL AND INTEREST PAYMENTS ON ANY OUTSTANDING AUTHORITY BONDS FOR WHICH
23 THESE REVENUES WERE PLEDGED PURSUANT TO ARTICLE 3 OF THIS CHAPTER.

24 D. THE AUTHORITY BOARD SHALL APPOINT AN ADVISORY BOARD CONSISTING OF
25 MEMBERS REPRESENTING A BROAD SPECTRUM OF INTERESTED PARTIES FOR THE PURPOSE
26 OF ADVISING THE AUTHORITY IN ITS ACTIVITIES TO FULLY PERFORM AND ACCOMPLISH
27 ITS PURPOSES.

28 E. BEFORE THE ELECTION CALLED PURSUANT TO SECTION 5-1103, THE
29 AUTHORITY BOARD MAY ONLY EXERCISE THE POWERS AND DUTIES PRESCRIBED IN
30 SUBSECTIONS A AND C OF THIS SECTION AND SHALL NOT EXERCISE ANY OTHER POWERS
31 OR DUTIES.

32 5-1105. Executive director; duties

33 A. THE EXECUTIVE DIRECTOR OF THE AUTHORITY IS RESPONSIBLE TO THE
34 AUTHORITY BOARD FOR MANAGING, ADMINISTERING AND SUPERVISING THE ACTIVITIES OF
35 THE AUTHORITY.

36 B. THE EXECUTIVE DIRECTOR SHALL NEGOTIATE, MAKE, EXECUTE, ACKNOWLEDGE
37 AND PERFORM CONTRACTS AND OTHER AGREEMENTS IN THE INTEREST OF THE AUTHORITY
38 OR TO CARRY OUT OR ACCOMPLISH THE PURPOSES OF THIS CHAPTER, INCLUDING
39 CONSTRUCTION CONTRACTS AND AGREEMENTS WITH USERS OF A MULTIPURPOSE FACILITY,
40 ALL OF WHICH ARE SUBJECT TO APPROVAL BY THE BOARD.

41 C. THE EXECUTIVE DIRECTOR SHALL:

42 1. EMPLOY A FISCAL AGENT TO DEPOSIT, HOLD, INVEST AND DISBURSE THE
43 AUTHORITY'S MONIES.

44 2. EMPLOY ADMINISTRATIVE AND CLERICAL EMPLOYEES AND PRESCRIBE THE
45 TERMS AND CONDITIONS OF THEIR EMPLOYMENT AS NECESSARY TO CARRY OUT THE

1 PURPOSES OF THE AUTHORITY. EMPLOYEES OF THE AUTHORITY ARE CONSIDERED TO BE
2 PUBLIC EMPLOYEES FOR PURPOSES OF TITLE 38.

3 3. RECOMMEND THE EMPLOYMENT OF CONSULTANTS BY THE BOARD, INCLUDING
4 OUTSIDE COUNSEL AND A PROFESSIONAL FACILITY MANAGEMENT COMPANY.

5 4. DIRECT THE ACTIVITIES OF OUTSIDE CONSULTANTS.

6 5-1106. Major league baseball spring training facilities; local
7 financial participation

8 A. THE AUTHORITY MAY:

9 1. ACQUIRE LAND OR CONSTRUCT, FINANCE, FURNISH, IMPROVE, MARKET OR
10 PROMOTE THE USE OF EXISTING OR PROPOSED MAJOR LEAGUE BASEBALL SPRING TRAINING
11 FACILITIES THAT ARE LOCATED IN THE AUTHORITY AND OTHER STRUCTURES, UTILITIES,
12 ROADS, PARKING AREAS OR BUILDINGS NECESSARY FOR FULL USE OF THE TRAINING
13 FACILITIES FOR SPORTS AND OTHER PURPOSES.

14 2. DO ALL THINGS NECESSARY OR CONVENIENT TO ACCOMPLISH THE PURPOSES
15 PRESCRIBED IN THIS SUBSECTION.

16 B. MONIES OF THE AUTHORITY:

17 1. MAY BE USED FOR THE PURPOSES OF:

18 (a) ATTRACTING MAJOR LEAGUE BASEBALL SPRING TRAINING OPERATIONS TO
19 LOCATIONS IN THE AUTHORITY.

20 (b) RETAINING MAJOR LEAGUE BASEBALL SPRING TRAINING OPERATIONS IN
21 THEIR CURRENT LOCATIONS IN THE AUTHORITY.

22 2. SHALL NOT BE USED TO FACILITATE THE RELOCATION OF A MAJOR LEAGUE
23 BASEBALL SPRING TRAINING OPERATION FROM ONE LOCATION IN THIS STATE TO ANOTHER
24 LOCATION IN THIS STATE UNLESS ANOTHER MAJOR LEAGUE BASEBALL TEAM HAS MADE
25 CONTRACTUAL COMMITMENTS TO ENSURE THE RELOCATION OF ITS SPRING TRAINING
26 OPERATIONS FROM A LOCATION OUTSIDE THIS STATE TO OCCUPY ALL OR PART OF THE
27 VACATED FACILITY.

28 C. THE AUTHORITY BOARD MAY REQUIRE THAT ANY PROJECT UNDERTAKEN
29 PURSUANT TO THIS SECTION INCLUDE FINANCIAL PARTICIPATION FROM THE COUNTY OR
30 MUNICIPALITY IN WHICH THE PROJECT IS LOCATED, FROM A PRIVATE PARTY OR FROM
31 ANY COMBINATION OF THESE ENTITIES. CAPITAL IMPROVEMENT MONIES SPENT BY A
32 COUNTY, MUNICIPALITY OR PRIVATE PARTY FOR A PURPOSE AUTHORIZED BY THIS
33 SECTION MAY BE CONSIDERED TO BE FINANCIAL PARTICIPATION WITH RESPECT TO ANY
34 PROJECT THE AUTHORITY MAY UNDERTAKE IF THE EXPENDITURES OCCUR AFTER THE
35 DISTRICT IS ESTABLISHED.

36 D. FOR PURPOSES OF FINANCING, DESIGNING OR CONSTRUCTING FACILITIES OR
37 STRUCTURES, THE AUTHORITY IS NOT THE AGENT OF ANY OTHER PARTY PARTICIPATING
38 IN THE FUNDING OF THE FACILITY OR STRUCTURE.

39 E. BEFORE UNDERTAKING THE PLANNING OR CONSTRUCTION OF THE FIRST NEW
40 FACILITY UNDER THIS SECTION, THE AUTHORITY BOARD MAY CONSIDER THE COSTS OF
41 ANTICIPATED REQUIRED RENOVATIONS OF EXISTING FACILITIES AND SHALL CONSIDER
42 SUCH COSTS FOR SUBSEQUENT NEW FACILITIES.

43 5-1107. Youth sports and recreation; local financial participation

44 A. THE AUTHORITY SHALL SPEND AT LEAST TEN PER CENT OF ITS GENERAL
45 REVENUES FOR THE PURPOSE OF PROMOTING YOUTH SPORTS AND RECREATION AND MAY:

1 1. ACQUIRE LAND OR CONSTRUCT, FINANCE, FURNISH, MAINTAIN, IMPROVE,
2 OPERATE, MARKET OR PROMOTE THE USE OF YOUTH SPORTS FACILITIES, RECREATIONAL
3 FACILITIES AND OTHER COMMUNITY FACILITIES OR PROGRAMS THAT ARE LOCATED IN THE
4 AUTHORITY.

5 2. DO ALL THINGS NECESSARY OR CONVENIENT TO ACCOMPLISH THE PURPOSES
6 PRESCRIBED IN THIS SUBSECTION.

7 B. THE AUTHORITY BOARD MAY REQUIRE THAT ANY PROJECT UNDERTAKEN
8 PURSUANT TO THIS SECTION INCLUDE FINANCIAL PARTICIPATION FROM THE COUNTY,
9 MUNICIPALITY OR SCHOOL DISTRICT IN WHICH THE PROJECT IS LOCATED, FROM ANY
10 OTHER PARTY OR FROM ANY COMBINATION OF THESE ENTITIES. CAPITAL IMPROVEMENT
11 MONIES SPENT BY A COUNTY, MUNICIPALITY, SCHOOL DISTRICT OR OTHER PARTY FOR A
12 PURPOSE AUTHORIZED BY THIS SECTION MAY BE CONSIDERED TO BE FINANCIAL
13 PARTICIPATION WITH RESPECT TO ANY PROJECT THE AUTHORITY MAY UNDERTAKE.

14 C. FOR THE PURPOSES OF FINANCING, DESIGNING, CONSTRUCTING OR OPERATING
15 FACILITIES OR STRUCTURES, THE AUTHORITY IS NOT THE AGENT OF ANY OTHER PARTY
16 PARTICIPATING IN THE FUNDING OF THE FACILITY OR STRUCTURE.

17 D. IN EVALUATING PROJECTS UNDER THIS SECTION, THE AUTHORITY BOARD
18 SHALL GIVE PRIORITY TO YOUTH SPORTS FACILITIES THAT ARE ADJACENT, IN
19 PROXIMITY OR OF BENEFIT TO PUBLIC SCHOOLS.

20 E. FOR THE PURPOSES OF SUBSECTION A, THE AMOUNT SPENT SHALL BE
21 MEASURED AT THE END OF EVERY TENTH FISCAL YEAR FOLLOWING THE ESTABLISHMENT OF
22 THE DISTRICT FOR THE ENTIRE PERIOD SINCE THE FORMATION OF THE DISTRICT,
23 EXCEPT THAT THE REQUIREMENT SHALL NOT INTERFERE WITH, DELAY OR IMPEDE THE
24 PAYMENT OF ANY AMOUNTS DUE AND PAYABLE ON ANY OUTSTANDING OBLIGATION OF THE
25 DISTRICT.

26 5-1108. Gift ban: exemptions

27 A. A PRINCIPAL OR LOBBYIST OR ANY OTHER PERSON ACTING ON BEHALF OF A
28 PRINCIPAL OR LOBBYIST SHALL NOT GIVE A GIFT TO ANY MEMBER OF THE DISTRICT
29 BOARD OR ANY MEMBER OR EMPLOYEE OF THE AUTHORITY BOARD, AND AN AUTHORITY
30 BOARD MEMBER OR EMPLOYEE SHALL NOT ACCEPT A GIFT FROM A PRINCIPAL OR
31 LOBBYIST.

32 B. FOR THE PURPOSE OF THIS SECTION, A GIFT DOES NOT INCLUDE ANY OF THE
33 FOLLOWING:

34 1. SALARY, COMPENSATION OR EMPLOYER REIMBURSED EXPENSES LAWFULLY PAID
35 TO A BOARD MEMBER OR EMPLOYEE.

36 2. A FAMILY GIFT.

37 3. AN AWARD OR PRIZE THAT IS GIVEN TO COMPETITORS IN A CONTEST OR
38 EVENT THAT IS OPEN TO THE PUBLIC, INCLUDING A RANDOM DRAWING.

39 4. ANY DISCOUNT OR OTHER BENEFIT THAT IS OFFERED TO A BOARD MEMBER OR
40 EMPLOYEE ON THE SAME CONDITIONS AS TO THE PUBLIC, TO A CLASS CONSISTING OF
41 ALL BOARD MEMBERS AND EMPLOYEES OR TO A GROUP OR CLASS IN WHICH MEMBERSHIP IS
42 UNRELATED TO BEING A BOARD MEMBER OR EMPLOYEE.

43 5. AN EDUCATIONAL EVENT OR SPEAKING ENGAGEMENT.

- 1 6. EXPENSES RELATING TO A SPECIAL EVENT OR FUNCTION TO WHICH ALL
2 MEMBERS OF THE BOARD ARE INVITED AND THAT ARE PROPERLY REPORTED.
- 3 7. FLOWERS.
- 4 8. FOOD AND BEVERAGE.
- 5 9. INFORMATIONAL MATERIAL, INCLUDING A BOOK, CALENDAR, PAMPHLET,
6 PERIODICAL, REPORT OR VIDEO.
- 7 10. AN ITEM THAT IS NOT USED AND THAT IS RETURNED TO THE DONOR WITHIN
8 FIFTEEN DAYS AFTER RECEIPT OR THAT IS DELIVERED TO A CHARITABLE ORGANIZATION
9 WITHIN FIFTEEN DAYS AFTER RECEIPT AND THAT IS NOT CLAIMED AS A CHARITABLE
10 CONTRIBUTION FOR STATE OR FEDERAL INCOME TAX PURPOSES.
- 11 11. AN ITEM THAT IS GIVEN TO A BOARD MEMBER OR EMPLOYEE IF THE BOARD
12 MEMBER OR EMPLOYEE GIVES AN ITEM OF APPROXIMATELY THE SAME VALUE TO THE GIVER
13 OF THE ITEM AT THE SAME TIME THAT THE ITEM IS GIVEN OR ON A SIMILAR OCCASION
14 AS THE ONE THAT PROMPTED THE ORIGINAL ITEM TO BE GIVEN.
- 15 12. AN ITEM OF A PERSONAL NATURE THAT WAS CUSTOMARILY RECEIVED BY AN
16 INDIVIDUAL FROM THE DONOR BEFORE THE INDIVIDUAL BECAME A BOARD MEMBER OR
17 EMPLOYEE.
- 18 13. AN ITEM THAT IS GIVEN TO THE GENERAL PUBLIC AT AN EVENT.
- 19 14. AN ITEM OF NOMINAL VALUE SUCH AS A GREETING CARD, BASEBALL CAP,
20 T-SHIRT, MUG OR PEN.
- 21 15. NONRECREATIONAL TRAVEL OR LODGING, OR BOTH.
- 22 16. PERSONAL HOSPITALITY.
- 23 17. A PLAQUE, AWARD OR OTHER FORM OF RECOGNITION TO A BOARD MEMBER OR
24 EMPLOYEE TO SIGNIFY THE HONORARY RECOGNITION OF A SERVICE OR OTHER NOTABLE
25 ACCOMPLISHMENT.
- 26 18. PROFESSIONAL OR CONSULTING SERVICES THAT ARE RENDERED ON MATTERS
27 DIRECTLY RELATED TO HOLDING A POSITION ON THE BOARD OR BEING AN EMPLOYEE OF
28 THE BOARD AND THAT ARE NOT RENDERED TO OBTAIN A BENEFIT FOR ANY REGISTERED
29 PRINCIPAL, PUBLIC BODY, LOBBYIST, DESIGNATED PUBLIC LOBBYIST OR AUTHORIZED
30 PUBLIC LOBBYIST OR THE CLIENTS OF A PRINCIPAL OR LOBBYIST.
- 31 5-1109. Regulating sale, use and consumption of alcoholic
32 beverages
- 33 SUBJECT TO THE REQUIREMENTS OF TITLE 4, THE AUTHORITY BOARD MAY PERMIT
34 AND REGULATE THE SALE, USE AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT EVENTS
35 HELD ON PROPERTY ACQUIRED, LEASED OR SUBLEASED UNDER THIS CHAPTER.
- 36 5-1110. Conflicts of interest
- 37 A. THE MEMBERS OF THE AUTHORITY BOARD ARE SUBJECT TO TITLE 38, CHAPTER
38 3, ARTICLE 8, RELATING TO CONFLICTS OF INTEREST, INCLUDING THE PENALTIES
39 PRESCRIBED BY SECTION 38-510.
- 40 B. A MEMBER OF THE BOARD OF DIRECTORS SHALL NOT HAVE ANY DIRECT OR
41 INDIRECT FINANCIAL INTEREST IN ANY:
- 42 1. PROPERTY OWNED, PURCHASED OR CONSTRUCTED BY THE DISTRICT.
- 43 2. CONTRACT ENTERED INTO BY THE DISTRICT.
- 44 3. PRIVATE CORPORATION OR OTHER ENTITY WITH WHICH THE DISTRICT
45 CONTRACTS.

1 2. MAY AMEND THE BUDGET ON A FINDING OF GOOD CAUSE.

2 5-1132. General fund; investments

3 A. THE AUTHORITY SHALL MAINTAIN A GENERAL FUND AND MAY ESTABLISH
4 ACCOUNTS AND SUBACCOUNTS WITHIN THE GENERAL FUND AS NECESSARY AND CONVENIENT.
5 ALL REVENUES AND MONIES RECEIVED BY THE AUTHORITY SHALL INITIALLY BE
6 DEPOSITED IN THE GENERAL FUND.

7 B. THE AUTHORITY MAY INVEST ANY UNEXPENDED MONIES IN THE FUND AS
8 PROVIDED IN TITLE 35, CHAPTER 2. INTEREST AND OTHER INCOME FROM INVESTMENTS
9 OF MONIES IN ANY ACCOUNT SHALL BE CREDITED TO THAT ACCOUNT EXCEPT AS
10 OTHERWISE PROVIDED BY LAW.

11 C. THE AUTHORITY'S INVESTMENTS MUST MATURE WHEN THE FUND ASSETS WILL
12 BE REQUIRED FOR THE PURPOSES OF THIS CHAPTER. IF THE LIQUID ASSETS IN THE
13 FUND OR ANY ACCOUNT OR SUBACCOUNT BECOME INSUFFICIENT TO MEET THE STATUTORY
14 OBLIGATIONS, THE AUTHORITY BOARD SHALL DIRECT THE AUTHORITY'S FISCAL AGENT TO
15 LIQUIDATE SUFFICIENT SECURITIES TO MEET ALL OF THE CURRENT OBLIGATIONS AND
16 IMMEDIATELY NOTIFY THE DISTRICT BOARD OF DIRECTORS AND THE AUDITOR GENERAL OF
17 THE INSUFFICIENCY. THE AUDITOR GENERAL SHALL INVESTIGATE AND AUDIT THE
18 CIRCUMSTANCES SURROUNDING THE DEPLETION OF THE FUND, ACCOUNT OR SUBACCOUNT
19 AND REPORT THE FINDINGS TO THE AUTHORITY BOARD AND THE BOARD OF DIRECTORS.

20 5-1133. Excise tax on car rentals

21 A. THE QUALIFIED ELECTORS, BY MAJORITY VOTE AT AN ELECTION HELD
22 PURSUANT TO SECTION 5-1103, MAY LEVY AND, IF LEVIED, THE DEPARTMENT OF
23 REVENUE SHALL COLLECT AN EXCISE TAX ON THE GROSS PROCEEDS OF SALES OR GROSS
24 INCOME FROM THE BUSINESS OF CAR RENTAL IN THE AUTHORITY, BEGINNING ON THE
25 FIRST DAY OF THE FIRST MONTH BEGINNING NINETY DAYS AFTER THE ELECTION. THE
26 TAX SHALL BE IN EFFECT FOR THREE HUNDRED SIXTY MONTHS EXCEPT AS PROVIDED BY
27 SECTION 5-1139. THE TAX IMPOSED PURSUANT TO THIS SECTION IS IN ADDITION TO
28 ANY OTHER TAXES LEVIED BY THIS STATE OR ANY OTHER POLITICAL SUBDIVISION OF
29 THIS STATE.

30 B. THE RATE OF THE TAX IS .375 PER CENT OF THE GROSS PROCEEDS OR GROSS
31 INCOME FROM THE BUSINESS.

32 C. THE TAX APPLIES TO THE BUSINESS OF LEASING OR RENTING, FOR LESS
33 THAN ONE YEAR, MOTOR VEHICLES FOR HIRE WITHOUT A DRIVER THAT ARE DESIGNED TO
34 OPERATE ON THE STREETS AND HIGHWAYS OF THIS STATE AND THAT ARE PRIMARILY
35 INTENDED TO CARRY NOT MORE THAN FOURTEEN PASSENGERS, REGARDLESS OF WHETHER
36 THE VEHICLE IS REGISTERED OR LICENSED IN THIS STATE.

37 D. THE TAX DOES NOT APPLY TO THE LEASE OR RENTAL OF:

38 1. A MOTOR VEHICLE AS A TEMPORARY REPLACEMENT VEHICLE THAT IS LOANED
39 BY A REPAIR FACILITY OR DEALER FOR USE WHILE THE VEHICLE THAT IT IS REPLACING
40 IS NOT IN SERVICE BECAUSE OF BREAKDOWN, REPAIR, SERVICE, DAMAGE OR LOSS.

41 2. A MOTOR VEHICLE TO AN AUTOMOBILE DEALERSHIP, A REPAIR FACILITY, AN
42 INSURANCE COMPANY OR ANY OTHER PERSON THAT PROVIDES THAT VEHICLE AT NO CHARGE
43 TO A PERSON WHOSE OWN MOTOR VEHICLE IS BEING REPAIRED, ADJUSTED OR SERVICED.

44 E. THE TAX IS NOT TAXABLE UNDER SECTION 42-5071.

1 F. THE DEPARTMENT OF REVENUE SHALL REQUIRE A REPORT OF THE NUMBER OF
2 LEASE OR RENTAL TRANSACTIONS AND SHALL TRANSMIT THAT NUMBER TO THE STATE
3 TREASURER.

4 5-1134. Excise tax on hotels and motels

5 A. THE QUALIFIED ELECTORS, BY MAJORITY VOTE AT AN ELECTION HELD
6 PURSUANT TO SECTION 5-1103, MAY LEVY AND, IF LEVIED, THE DEPARTMENT OF
7 REVENUE SHALL COLLECT A TAX ON THE GROSS PROCEEDS OF SALES OR GROSS INCOME
8 FROM THE BUSINESS OF EVERY PERSON ENGAGING OR CONTINUING IN A BUSINESS TAXED
9 UNDER TITLE 42, CHAPTER 5 AND CLASSIFIED UNDER SECTION 42-5070 WITHIN THE
10 AUTHORITY. A TAX UNDER THIS SECTION IS IN ADDITION TO THE TAX IMPOSED BY
11 TITLE 42, CHAPTER 5 AND ANY TAX IMPOSED BY ANY OTHER POLITICAL SUBDIVISION IN
12 THE AUTHORITY.

13 B. IF LEVIED, THE TAX SHALL BE LEVIED UNDER THIS SECTION BEGINNING ON
14 THE FIRST DAY OF THE FIRST MONTH BEGINNING NINETY DAYS AFTER THE ELECTION,
15 AND SHALL CONTINUE IN THIS MANNER FOR THREE HUNDRED SIXTY MONTHS EXCEPT AS
16 PROVIDED BY SECTION 5-1139.

17 C. THE RATE OF THE TAX IS .375 PER CENT OF THE GROSS PROCEEDS OR GROSS
18 INCOME FROM THE BUSINESS.

19 5-1135. Tax on restaurants and bars

20 A. THE QUALIFIED ELECTORS, BY MAJORITY VOTE AT AN ELECTION HELD
21 PURSUANT TO SECTION 5-1103, MAY LEVY AND, IF LEVIED, THE DEPARTMENT OF
22 REVENUE SHALL COLLECT A TAX ON THE GROSS PROCEEDS OF SALES OR GROSS INCOME
23 FROM THE BUSINESS OF EVERY PERSON ENGAGING OR CONTINUING IN A BUSINESS TAXED
24 UNDER TITLE 42, CHAPTER 5 AND CLASSIFIED UNDER SECTION 42-5074 IN THE
25 AUTHORITY. A TAX UNDER AUTHORITY. A TAX UNDER THIS SECTION IS IN ADDITION
26 TO THE TAX IMPOSED BY TITLE 42, CHAPTER 5 AND ANY TAX IMPOSED BY ANY OTHER
27 POLITICAL SUBDIVISION IN THE AUTHORITY.

28 B. IF LEVIED, THE TAX SHALL BE LEVIED UNDER THIS SECTION BEGINNING ON
29 THE FIRST DAY OF THE FIRST MONTH BEGINNING NINETY DAYS AFTER THE ELECTION,
30 AND SHALL CONTINUE IN THIS MANNER FOR THREE HUNDRED SIXTY MONTHS EXCEPT AS
31 PROVIDED BY SECTION 5-1139.

32 C. THE RATE OF THE TAX IS .375 PER CENT OF THE TAX BASE PRESCRIBED BY
33 SECTION 42-5074.

34 5-1136. Tax on amusements and sporting events

35 A. THE QUALIFIED ELECTORS, BY MAJORITY VOTE AT AN ELECTION HELD
36 PURSUANT TO SECTION 5-1103, MAY LEVY AND, IF LEVIED, THE DEPARTMENT OF
37 REVENUE SHALL COLLECT A TAX ON THE GROSS PROCEEDS OF SALES OR GROSS INCOME
38 FROM PERSONS TAXED UNDER TITLE 42, CHAPTER 5 AND CLASSIFIED UNDER SECTION
39 42-5073 IN THE AUTHORITY.

40 B. IF LEVIED, THE TAX SHALL BE LEVIED UNDER THIS SECTION BEGINNING ON
41 THE FIRST DAY OF THE FIRST MONTH BEGINNING NINETY DAYS AFTER THE ELECTION,
42 AND SHALL CONTINUE IN THIS MANNER FOR THREE HUNDRED SIXTY MONTHS EXCEPT AS
43 PROVIDED BY SECTION 5-1139.

44 C. THE RATE OF THE TAX IS:

1 1. 1.125 PER CENT OF THE TAX BASE PRESCRIBED BY SECTION 42-5073 FOR
2 PERSONS CHARGING ADMISSION TO PROFESSIONAL SPORTING EVENTS AT FACILITIES
3 OWNED OR FINANCED BY THE AUTHORITY.

4 2. .375 PER CENT OF THE TAX BASE PRESCRIBED BY SECTION 42-5073 FOR ALL
5 OTHER PERSONS SUBJECT TO TAX UNDER THIS SECTION.

6 5-1137. Tax on retail

7 A. THE QUALIFIED ELECTORS, BY MAJORITY VOTE AT AN ELECTION HELD
8 PURSUANT TO SECTION 5-1103, MAY LEVY AND, IF LEVIED, THE DEPARTMENT OF
9 REVENUE SHALL COLLECT A TAX ON THE GROSS PROCEEDS OF SALES OR GROSS INCOME
10 FROM THE BUSINESS OF EVERY PERSON ENGAGING OR CONTINUING IN A BUSINESS TAXED
11 UNDER TITLE 42, CHAPTER 5 AND CLASSIFIED UNDER SECTION 42-5061 IN THE
12 AUTHORITY. A TAX UNDER THIS SECTION IS IN ADDITION TO THE TAX IMPOSED BY
13 TITLE 42, CHAPTER 5 AND ANY TITLE 42, CHAPTER 5 AND ANY TAX IMPOSED BY ANY
14 OTHER POLITICAL SUBDIVISION IN THE AUTHORITY.

15 B. IF LEVIED, THE TAX SHALL BE LEVIED UNDER THIS SECTION BEGINNING ON
16 THE FIRST DAY OF THE FIRST MONTH BEGINNING NINETY DAYS AFTER THE ELECTION,
17 AND SHALL CONTINUE IN THIS MANNER FOR THREE HUNDRED SIXTY MONTHS EXCEPT AS
18 PROVIDED BY SECTION 5-1139.

19 C. THE RATE OF THE TAX IS .1 PER CENT OF THE TAX BASE PRESCRIBED BY
20 SECTION 42-5061.

21 5-1138. Administration of tax

22 A. UNLESS THE CONTEXT OTHERWISE REQUIRES, SECTION 42-6102 GOVERNS THE
23 ADMINISTRATION OF THE TAXES IMPOSED UNDER THIS ARTICLE.

24 B. EACH MONTH THE STATE TREASURER SHALL TRANSMIT THE NET REVENUES
25 COLLECTED PURSUANT TO THIS ARTICLE TO THE AUTHORITY FOR DEPOSIT IN THE
26 GENERAL FUND.

27 5-1139. Conditional termination of district taxes

28 THE TAXES IMPOSED PURSUANT TO SECTIONS 5-1133 THROUGH 5-1137 ARE
29 SUSPENDED AND PERMANENTLY TERMINATED IF, AS OF THE END OF THE SIXTIETH MONTH
30 AFTER THE DISTRICT IS ESTABLISHED, AT LEAST THREE MAJOR LEAGUE BASEBALL
31 FRANCHISES HAVE NOT EXECUTED BINDING CONTRACTUAL AGREEMENTS FOR USE OF
32 STADIUMS AND OTHER FACILITIES IN THE DISTRICT AS THEIR EXCLUSIVE SITES FOR
33 SPRING TRAINING OPERATIONS THROUGH A DATE AT LEAST THREE HUNDRED MONTHS AFTER
34 THE DISTRICT IS ESTABLISHED.

35 5-1140. Annual audit

36 A. THE BOARD OF DIRECTORS OF THE DISTRICT SHALL CAUSE AN ANNUAL AUDIT
37 TO BE CONDUCTED OF EACH OF THE AUTHORITY'S FUNDS, ACCOUNTS AND SUBACCOUNTS BY
38 AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT WITHIN ONE HUNDRED TWENTY DAYS
39 AFTER THE END OF THE FISCAL YEAR.

40 B. THE BOARD SHALL IMMEDIATELY FILE A CERTIFIED COPY OF THE AUDIT WITH
41 THE AUDITOR GENERAL. THE AUDITOR GENERAL MAY MAKE SUCH FURTHER AUDITS AND
42 EXAMINATIONS AS NECESSARY AND MAY TAKE APPROPRIATE ACTION RELATING TO THE
43 AUDIT OR EXAMINATION PURSUANT TO TITLE 41, CHAPTER 7, ARTICLE 10.1. IF THE
44 AUDITOR GENERAL TAKES NO FURTHER ACTION WITHIN THIRTY DAYS AFTER THE AUDIT IS
45 FILED, THE AUDIT IS CONSIDERED TO BE SUFFICIENT.

1 C. THE AUTHORITY BOARD SHALL PAY NEGOTIATED AND APPROVED FEES AND
2 COSTS OF THE CERTIFIED PUBLIC ACCOUNTANT AND AUDITOR GENERAL UNDER THIS
3 SECTION FROM THE AUTHORITY'S GENERAL FUND.

4 ARTICLE 3. REVENUE BONDS

5 5-1161. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "BOND" MEANS ANY OBLIGATION AUTHORIZED AND ISSUED PURSUANT TO THIS
8 ARTICLE, INCLUDING:

9 (a) BONDS.

10 (b) CERTIFICATES OF PARTICIPATION IN A LEASE-PURCHASE OR INSTALLMENT
11 PURCHASE AGREEMENT.

12 (c) OBLIGATIONS THAT ARE AUTHORIZED AND ISSUED TO REFUND OR REFINANCE
13 OBLIGATIONS THAT ARE AUTHORIZED AND ISSUED PURSUANT TO THIS ARTICLE.

14 2. "BOND RELATED EXPENSES" MEANS ANY EXPENSES INCURRED BY THE
15 AUTHORITY FOR ISSUING AND ADMINISTERING ITS BONDS, INCLUDING UNDERWRITING
16 FEES AND COSTS, TRUSTEE FEES, FINANCIAL CONSULTANT FEES, PRINTING AND
17 ADVERTISING COSTS, PAYING AGENT FEES, TRANSFER AGENT FEES, LEGAL, ACCOUNTING,
18 FEASIBILITY CONSULTANT AND OTHER PROFESSIONAL FEES AND EXPENSES, CREDIT
19 ENHANCEMENT FEES, ATTORNEY AND ACCOUNTING FEES AND EXPENSES RELATED TO CREDIT
20 ENHANCEMENT, BOND INSURANCE OR LIQUIDITY ENHANCEMENT, REMARKETING FEES,
21 RATING AGENCY FEES AND COSTS, TRAVEL AND TELEPHONE EXPENSES AND ALL OTHER
22 FEES CONSIDERED NECESSARY BY THE AUTHORITY BOARD IN ORDER TO MARKET AND
23 ADMINISTER THE BONDS.

24 3. "SPORTS AUTHORITY PURPOSE" INCLUDES:

25 (a) THE CAPITAL COSTS OF ACQUIRING, DESIGNING, DEVELOPING,
26 CONSTRUCTING, RECONSTRUCTING, EQUIPPING, FURNISHING, REPAIRING, MAINTAINING
27 AND IMPROVING STADIUMS AND MULTIPURPOSE FACILITIES, DIRECTLY RELATED
28 IMPROVEMENTS AND INFRASTRUCTURE, EXCEPT AS OTHERWISE LIMITED BY THIS
29 ARTICLE. FOR THE PURPOSES OF THIS SUBDIVISION, "INFRASTRUCTURE" MEANS
30 CAPITAL IMPROVEMENTS THAT WILL DIRECTLY AND PRINCIPALLY BENEFIT THE STADIUM
31 OR MULTIPURPOSE FACILITY AND INCLUDES:

32 (i) SANITARY SEWAGE SYSTEMS.

33 (ii) DRAINAGE AND FLOOD CONTROL SYSTEMS.

34 (iii) WATER SYSTEMS.

35 (iv) ROADWAYS FOR ACCESS, ENTRY AND EXIT AND PARKING FACILITIES.

36 (v) PEDESTRIAN AND OTHER NONMOTORIZED FACILITIES FOR ACCESS, ENTRY AND
37 EXIT AND PARKING.

38 (vi) LANDSCAPING.

39 (vii) LIGHTING SYSTEMS.

40 (viii) TRAFFIC CONTROL SYSTEMS, SIGNALS, CONTROLS, MARKINGS AND
41 SIGNAGE.

42 (b) THE PAYMENT OF BONDS.

43 (c) BOND RELATED EXPENSES.

44 5-1162. Obligation for the bonds

45 BONDS ISSUED UNDER THIS ARTICLE:

- 1 1. ARE PAYABLE ONLY ACCORDING TO THEIR TERMS.
- 2 2. ARE OBLIGATIONS OF THE AUTHORITY.
- 3 3. ARE NOT GENERAL, SPECIAL OR OTHER OBLIGATIONS OF THIS STATE, OR OF
- 4 THE COUNTY OR ANY CITY OR TOWN LOCATED IN THE AUTHORITY. THE MEMBERS OF THE
- 5 BOARD OF DIRECTORS, THE AUTHORITY BOARD AND PERSONS WHO EXECUTE THE BONDS ARE
- 6 NOT PERSONALLY LIABLE FOR PAYMENT OF THE BONDS.
- 7 4. DO NOT CONSTITUTE A DEBT OF THIS STATE OR OF THE COUNTY OR ANY CITY
- 8 OR TOWN LOCATED IN THE AUTHORITY.
- 9 5. ARE NOT ENFORCEABLE AGAINST THIS STATE. PAYMENT OF THE BONDS IS
- 10 ENFORCEABLE ONLY OUT OF ANY MONIES OR ASSETS OF THE AUTHORITY SPECIFICALLY
- 11 PLEDGED AND ASSIGNED TO OR IN TRUST FOR THE BENEFIT OF THE HOLDER OR HOLDERS
- 12 OF THE BONDS.
- 13 5-1163. Authorization of bonds
- 14 A. THE AUTHORITY MAY ISSUE BONDS PURSUANT TO THIS ARTICLE IN A
- 15 PRINCIPAL AMOUNT THAT IS NECESSARY TO:
- 16 1. PROVIDE SUFFICIENT MONIES FOR ANY SPORTS AUTHORITY PURPOSES.
- 17 2. ESTABLISH AND FULLY OR PARTIALLY FUND ANY REQUIRED RESERVES OR
- 18 SINKING ACCOUNTS.
- 19 3. ISSUE REFUNDING BONDS TO REFUND BONDS ISSUED BY THE AUTHORITY IF
- 20 THE AUTHORITY BOARD CONSIDERS REFUNDING TO BE EXPEDIENT. THE BOARD MAY
- 21 PROVIDE FOR INVESTING AND HOLDING THE PROCEEDS OF THE REFUNDING BONDS IN
- 22 TRUST FOR THE BENEFIT OF THE HOLDERS OF THE BONDS BEING REFUNDED.
- 23 B. THE AUTHORITY BOARD SHALL AUTHORIZE THE BONDS BY RESOLUTION. THE
- 24 RESOLUTION SHALL PRESCRIBE:
- 25 1. THE REVENUE SOURCES THAT ARE PLEDGED AND DEDICATED TO SECURE THE
- 26 BONDS.
- 27 2. THE RATE OR RATES OF INTEREST, WHICH MAY BE FIXED OR VARIABLE, THE
- 28 DATE OR DATES ON WHICH INTEREST IS PAYABLE AND THE DENOMINATIONS OF THE
- 29 BONDS.
- 30 3. THE DATE OR DATES OF THE BONDS AND MATURITY, WHICH SHALL BE WITHIN
- 31 THIRTY YEARS AFTER THE DATE OF ISSUANCE.
- 32 4. THE MANNER OF EXECUTING THE BONDS.
- 33 5. THE MEDIUM AND PLACE OF PAYMENT.
- 34 6. THE TERMS OF REDEMPTION, WHICH MAY PROVIDE FOR A PREMIUM FOR EARLY
- 35 REDEMPTION.
- 36 5-1164. Issuance and sale of bonds
- 37 A. THE AUTHORITY BOARD SHALL ISSUE THE BONDS IN THE NUMBER AND AMOUNT
- 38 PROVIDED IN THE RESOLUTION. THE AUTHORITY BOARD SHALL PROVIDE NOTICE OF ITS
- 39 INTENTION TO ISSUE BONDS TO THE DISTRICT BOARD OF DIRECTORS, AND TO THE
- 40 PUBLIC IN A MANNER CONSISTENT WITH MARKET PRACTICE.
- 41 B. THE BONDS MAY BE SOLD BY COMPETITIVE PUBLIC SALE, THROUGH AN ONLINE
- 42 BIDDING PROCESS OR AT NEGOTIATED SALE FOR PUBLIC OR PRIVATE OFFERING AT THE
- 43 PRICE AND ON THE TERMS PRESCRIBED IN THE RESOLUTION. FOR THE PURPOSES OF
- 44 THIS SUBSECTION, "ONLINE BIDDING PROCESS" MEANS A PROCUREMENT PROCESS IN

1 WHICH THE BOARD RECEIVES BIDS ELECTRONICALLY OVER THE INTERNET IN A
2 REAL-TIME, COMPETITIVE BIDDING EVENT.

3 C. THE PROCEEDS FROM THE SALE OF THE BONDS SHALL BE DEPOSITED IN THE
4 BOND PROCEEDS ACCOUNT ESTABLISHED PURSUANT TO SECTION 5-1165.

5 D. TITLE 35, CHAPTER 3, ARTICLE 7 APPLIES TO THE AUTHORITY BOARD AND
6 TO BONDS ISSUED UNDER THIS ARTICLE.

7 5-1165. Bond proceeds account

8 A. IF THE AUTHORITY ISSUES BONDS UNDER THIS ARTICLE, THE AUTHORITY
9 BOARD SHALL ESTABLISH A BOND PROCEEDS ACCOUNT WITHIN THE GENERAL FUND
10 CONSISTING OF MONIES RECEIVED FROM THE SALE OF THE BONDS.

11 B. THE AUTHORITY BOARD MAY USE MONIES IN THE BOND PROCEEDS ACCOUNT
12 ONLY FOR SPORTS AUTHORITY PURPOSES IN THE MANNER PRESCRIBED BY THIS CHAPTER.

13 C. THE AUTHORITY'S FISCAL AGENT SHALL ADMINISTER AND ACCOUNT FOR THE
14 BOND PROCEEDS ACCOUNT.

15 5-1166. Debt service account

16 A. IF THE AUTHORITY ISSUES BONDS UNDER THIS ARTICLE, THE AUTHORITY
17 BOARD SHALL ESTABLISH A DEBT SERVICE ACCOUNT WITHIN THE GENERAL FUND
18 CONSISTING OF MONIES DESIGNATED AND DEDICATED BY THE BOARD FOR REPAYMENT OF
19 THE BONDS AND PAYMENT OF COSTS AND RELATED EXPENSES ASSOCIATED WITH REDEEMING
20 THE BONDS.

21 B. MONIES IN THE DEBT SERVICE ACCOUNT MAY BE USED ONLY FOR THE
22 PURPOSES AUTHORIZED BY THIS ARTICLE.

23 C. THE AUTHORITY'S FISCAL AGENT SHALL ADMINISTER AND ACCOUNT FOR THE
24 DEBT SERVICE ACCOUNT.

25 5-1167. Securing principal and interest

26 IN CONNECTION WITH ISSUING BONDS AUTHORIZED BY THIS ARTICLE AND TO
27 SECURE THE PRINCIPAL AND INTEREST ON THE BONDS, THE AUTHORITY BOARD BY
28 RESOLUTION MAY:

29 1. PLEDGE FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE BONDS ALL
30 OR PART OF THE REVENUES AND OTHER MONIES RECEIVED BY THE AUTHORITY AND
31 DEPOSITED IN THE GENERAL FUND OR ANY ACCOUNT OR SUBACCOUNT OF THE GENERAL
32 FUND.

33 2. PLEDGE AND ASSIGN TO OR IN TRUST FOR THE BENEFIT OF THE HOLDER OR
34 HOLDERS OF THE BONDS ALL OR PART OF THE MONIES IN THE DEBT SERVICE ACCOUNT OR
35 ANY OTHER ACCOUNT OR SUBACCOUNT AS NECESSARY TO SECURE AND PAY THE PRINCIPAL,
36 THE INTEREST AND ANY PREMIUM ON THE BONDS AS THEY COME DUE.

37 3. SEGREGATE THE DEBT SERVICE ACCOUNT INTO ONE OR MORE SUBACCOUNTS AND
38 PROVIDE THAT BONDS ISSUED UNDER THIS ARTICLE MAY BE SECURED BY A LIEN ON ALL
39 OR PART OF THE MONIES PAID INTO THE DEBT SERVICE ACCOUNT OR INTO ANY
40 SUBACCOUNT IN THE DEBT SERVICE ACCOUNT.

41 4. ESTABLISH PRIORITIES AMONG BONDHOLDERS BASED ON CRITERIA ADOPTED BY
42 THE BOARD.

43 5. SET ASIDE, REGULATE AND DISPOSE OF RESERVES AND SINKING ACCOUNTS.

1 6. PRESCRIBE THE PROCEDURE, IF ANY, BY WHICH THE TERMS OF ANY CONTRACT
2 WITH BONDHOLDERS MAY BE AMENDED OR ABROGATED, THE AMOUNT OF BONDS THE HOLDERS
3 OF WHICH MUST CONSENT TO AND THE MANNER IN WHICH THE CONSENT MAY BE GIVEN.

4 7. PROVIDE FOR PAYMENT OF BOND RELATED EXPENSES FROM THE PROCEEDS OF
5 THE SALE OF THE BONDS OR OTHER REVENUES AVAILABLE TO THE BOARD.

6 8. PROVIDE FOR THE SERVICES OF TRUSTEES, COTRUSTEES, AGENTS AND
7 CONSULTANTS AND OTHER SPECIALIZED SERVICES WITH RESPECT TO THE BONDS.

8 9. TAKE ANY OTHER ACTION THAT IN ANY WAY MAY ENHANCE THE SECURITY AND
9 PROTECTION OF THE BONDS OR INTEREST ON THE BONDS.

10 5-1168. Lien of pledge

11 A. ANY PLEDGE MADE UNDER THIS ARTICLE IS VALID AND BINDING FROM THE
12 TIME WHEN THE PLEDGE IS MADE.

13 B. THE MONIES PLEDGED TO THE HOLDERS OF THE BONDS AND RECEIVED BY THE
14 AUTHORITY FOR PLACEMENT IN THE DEBT SERVICE ACCOUNT ARE IMMEDIATELY SUBJECT
15 TO THE LIEN OF THE PLEDGE WITHOUT ANY FURTHER ACT. ANY LIEN OF ANY PLEDGE IS
16 VALID AND BINDING AGAINST ALL PARTIES WHO HAVE CLAIMS OF ANY KIND AGAINST THE
17 AUTHORITY, REGARDLESS OF WHETHER THE PARTIES HAVE NOTICE OF THE LIEN. THE
18 OFFICIAL RESOLUTION OR ANY INSTRUMENT BY WHICH THIS PLEDGE IS CREATED, WHEN
19 ADOPTED BY THE AUTHORITY BOARD, IS NOTICE TO ALL CONCERNED OF THE CREATION OF
20 THE PLEDGE, AND THOSE INSTRUMENTS NEED NOT BE RECORDED IN ANY OTHER PLACE TO
21 PERFECT THE PLEDGE.

22 5-1169. Bond purchase for cancellation

23 THE AUTHORITY BOARD MAY PURCHASE BONDS FOR CANCELLATION, USING ANY
24 AVAILABLE MONIES, AT A PRICE NOT EXCEEDING THE FOLLOWING:

25 1. IF THE BONDS ARE REDEEMABLE AT THE TIME OF PURCHASE, THE APPLICABLE
26 REDEMPTION PRICE PLUS ACCRUED INTEREST TO THE NEXT INTEREST PAYMENT DATE.

27 2. IF THE BONDS ARE NOT REDEEMABLE AT THE TIME OF PURCHASE, THE
28 APPLICABLE REDEMPTION PRICE ON THE FIRST DATE AFTER PURCHASE ON WHICH THE
29 BONDS BECOME SUBJECT TO REDEMPTION PLUS ACCRUED INTEREST TO THAT DATE.

30 5-1170. Payment of bonds

31 A. THE BONDS SHALL BE PAID SOLELY FROM MONIES IN THE DEBT SERVICE
32 ACCOUNT.

33 B. THE MEMBERS OF THE AUTHORITY BOARD AND ANY PERSONS WHO EXECUTE THE
34 BONDS ARE NOT PERSONALLY LIABLE FOR THE PAYMENT OF THE BONDS.

35 C. THE AUTHORITY'S FISCAL AGENT SHALL CANCEL ALL BONDS WHEN PAID.

36 5-1171. Use of surplus monies

37 A. IF A BALANCE REMAINS IN THE BOND PROCEEDS ACCOUNT AFTER ALL
38 ACQUISITION, CONSTRUCTION AND RELATED COSTS HAVE BEEN PAID:

39 1. THE AUTHORITY BOARD SHALL CREDIT THE BALANCE TO REPAY ANY OTHER
40 OUTSTANDING INDEBTEDNESS OF THE AUTHORITY.

41 2. IF THE AUTHORITY HAS NO OUTSTANDING INDEBTEDNESS, THE BOARD SHALL
42 CREDIT THE REMAINING BALANCE TO THE AUTHORITY'S GENERAL FUND.

43 B. IF A BALANCE REMAINS IN THE DEBT SERVICE ACCOUNT AFTER PAYMENT OF
44 ALL BONDS, INTEREST AND OTHER CHARGES RELATED TO BONDS ISSUED UNDER THIS
45 ARTICLE, THE BOARD SHALL CREDIT THE BALANCE TO THE GENERAL FUND.

1 5-1172. Investment of monies in the bond proceeds account

2 A. THE AUTHORITY BOARD MAY AUTHORIZE THE AUTHORITY'S FISCAL AGENT TO
3 INVEST MONIES IN THE BOND PROCEEDS ACCOUNT IN THE MANNER PRESCRIBED BY
4 SECTION 5-1174.

5 B. THE ORDER DIRECTING AN INVESTMENT SHALL STATE A DATE ON WHICH THE
6 PROCEEDS FROM THE SALE OF THE BONDS WILL BE NEEDED FOR USE, AND THE FISCAL
7 AGENT SHALL MAKE THE INVESTMENT IN SUCH A WAY AS TO MATURE ON OR BEFORE THE
8 SPECIFIED DATE.

9 C. ALL MONIES EARNED AS INTEREST OR OTHERWISE DERIVED FROM THE
10 INVESTMENT OF THE MONIES IN THE BOND PROCEEDS ACCOUNT SHALL BE CREDITED TO
11 THE BOND PROCEEDS ACCOUNT.

12 5-1173. Investment of monies in the debt service account

13 A. THE AUTHORITY BOARD MAY AUTHORIZE THE AUTHORITY'S FISCAL AGENT TO
14 INVEST AND REINVEST ANY MONIES IN THE DEBT SERVICE ACCOUNT AS PROVIDED BY
15 SECTION 5-1174.

16 B. THE ORDER DIRECTING AN INVESTMENT SHALL STATE A DATE ON WHICH THE
17 MONIES AND OTHER RESOURCES IN THE DEBT SERVICE ACCOUNT WILL BE NEEDED FOR
18 USE, AND THE FISCAL AGENT SHALL MAKE THE INVESTMENT IN SUCH A WAY AS TO
19 MATURE ON OR BEFORE THE SPECIFIED DATE.

20 C. ALL MONIES EARNED AS INTEREST OR OTHERWISE DERIVED FROM THE
21 INVESTMENT OF THE MONIES IN THE DEBT SERVICE ACCOUNT SHALL BE CREDITED TO THE
22 DISTRICT'S GENERAL FUND.

23 5-1174. Authorized investment of monies

24 A. THE MONIES IN EITHER THE BOND PROCEEDS ACCOUNT OR THE DEBT SERVICE
25 ACCOUNT MAY BE INVESTED AND REINVESTED AT THE DIRECTION OF THE AUTHORITY
26 BOARD IN ANY OF THE FOLLOWING:

- 27 1. UNITED STATES TREASURY OBLIGATIONS.
28 2. CONSOLIDATED FARM LOAN BONDS.
29 3. OBLIGATIONS ISSUED BY THE FEDERAL INTERMEDIATE CREDIT BANKS OR
30 BONDS FOR COOPERATIVES ON AUTHORITY OF THE FARM CREDIT ACT OF 1933.
31 4. ANY OTHER OBLIGATIONS GUARANTEED BY THE UNITED STATES GOVERNMENT.
32 5. ANY INVESTMENTS THAT ARE AUTHORIZED BY ANY OTHER AGENCIES OF THE
33 UNITED STATES GOVERNMENT AND THAT ARE AUTHORIZED TO SECURE PUBLIC DEPOSITS.
34 6. STATE AND LOCAL GOVERNMENT SERIES UNITED STATES TREASURY
35 SECURITIES.

36 7. STATE, COUNTY OR MUNICIPAL BONDS ISSUED IN THIS STATE AND ON WHICH
37 THE PAYMENTS OF INTEREST HAVE NOT BEEN DEFERRED.

38 8. INVESTMENT AGREEMENTS AND REPURCHASE AGREEMENTS COLLATERALIZED BY
39 INVESTMENTS DESCRIBED IN PARAGRAPHS 1 THROUGH 5.

40 B. THE PURCHASE OF THE SECURITIES SHALL BE MADE BY THE AUTHORITY'S
41 FISCAL AGENT ON AUTHORITY OF A RESOLUTION OF THE AUTHORITY BOARD. THE FISCAL
42 AGENT SHALL ACT AS CUSTODIAN OF ALL SECURITIES PURCHASED.

43 C. THE AUTHORITY BOARD MAY PLACE ANY RESTRICTIONS ON REINVESTMENT
44 YIELD ON BOND PROCEEDS OR ON ANY MONIES PLEDGED TO PAY THE BONDS IF NECESSARY

1 TO COMPLY WITH FEDERAL INCOME TAX LAWS AND REGULATIONS TO GAIN ANY FEDERAL
2 TAX BENEFITS AVAILABLE WITH RESPECT TO THE BONDS.

3 5-1175. Deposit and disbursement of monies

4 A. MONIES DERIVED FROM SELLING BONDS UNDER THIS ARTICLE OR PLEDGED OR
5 ASSIGNED TO OR IN TRUST FOR THE BENEFIT OF THE HOLDER OR HOLDERS OF THE BONDS
6 SHALL BE DEPOSITED BY THE AUTHORITY'S FISCAL AGENT IN FINANCIAL INSTITUTIONS
7 THAT THE AUTHORITY BOARD DESIGNATES AND THAT ARE INSURED BY AN AGENCY OR
8 INSTRUMENTALITY OF THE UNITED STATES. THE MONIES SHALL BE DISBURSED AS THE
9 AUTHORITY BOARD DIRECTS AND ACCORDING TO THE TERMS OF ANY AGREEMENTS WITH THE
10 HOLDER OR HOLDERS OF THE BONDS.

11 B. THIS SECTION SHALL NOT BE CONSTRUED AS LIMITING THE POWER OF THE
12 AUTHORITY BOARD TO AGREE IN CONNECTION WITH THE ISSUANCE OF ANY OF ITS BONDS
13 AS TO THE CUSTODY AND DISPOSITION OF THE MONIES RECEIVED FROM SELLING BONDS
14 OR FROM THE INCOME AND REVENUES PLEDGED OR ASSIGNED TO OR IN TRUST FOR THE
15 BENEFIT OF THE HOLDER OR HOLDERS OF THE BONDS.

16 5-1176. Characteristics of bonds; negotiability; legal
17 investments; exemption from taxation

18 A. BONDS ISSUED UNDER THIS ARTICLE ARE FULLY NEGOTIABLE WITHIN THE
19 MEANING AND FOR ALL PURPOSES OF THE UNIFORM COMMERCIAL CODE, SUBJECT ONLY TO
20 ANY PROVISIONS FOR REGISTRATION, REGARDLESS OF WHETHER THE BONDS ACTUALLY
21 CONSTITUTE NEGOTIABLE INSTRUMENTS UNDER THE UNIFORM COMMERCIAL CODE.

22 B. THE BONDS, THEIR TRANSFER AND THE INCOME FROM THE BONDS ARE AT ALL
23 TIMES FREE FROM TAXATION IN THIS STATE.

24 C. BONDS ISSUED UNDER THIS ARTICLE:

25 1. ARE SECURITIES IN WHICH PUBLIC OFFICERS AND BODIES OF THIS STATE
26 AND OF MUNICIPALITIES AND POLITICAL SUBDIVISIONS OF THIS STATE, ALL
27 COMPANIES, ASSOCIATIONS AND OTHER PERSONS CARRYING ON AN INSURANCE BUSINESS,
28 ALL FINANCIAL INSTITUTIONS, INVESTMENT COMPANIES AND OTHER PERSONS CARRYING
29 ON A BANKING BUSINESS, ALL FIDUCIARIES AND ALL OTHER PERSONS WHO ARE
30 AUTHORIZED TO INVEST IN GOVERNMENT OBLIGATIONS MAY PROPERLY AND LEGALLY
31 INVEST.

32 2. ARE SECURITIES THAT MAY BE DEPOSITED WITH PUBLIC OFFICERS OR BODIES
33 OF THIS STATE AND MUNICIPALITIES AND POLITICAL SUBDIVISIONS OF THIS STATE FOR
34 PURPOSES THAT REQUIRE THE DEPOSIT OF GOVERNMENT BONDS OR OBLIGATIONS.

35 5-1177. Effect of changing circumstances on bonds; agreement of
36 state

37 A. BONDS ISSUED UNDER THIS ARTICLE REMAIN VALID AND BINDING
38 OBLIGATIONS OF THE AUTHORITY NOTWITHSTANDING THAT BEFORE THE DELIVERY OF THE
39 BONDS ANY PERSON WHOSE SIGNATURE APPEARS ON THE BONDS CEASES TO BE AN OFFICER
40 OF THE AUTHORITY.

41 B. AN AMENDMENT OF ANY PROVISION IN THIS CHAPTER DOES NOT DIMINISH OR
42 IMPAIR THE VALIDITY OF BONDS ISSUED UNDER THIS ARTICLE OR THE REMEDIES AND
43 RIGHTS OF BONDHOLDERS.

44 C. THIS STATE PLEDGES TO AND AGREES WITH THE HOLDERS OF THE BONDS
45 AUTHORIZED BY THIS ARTICLE THAT THIS STATE WILL NOT LIMIT, ALTER OR IMPAIR

1 THE RIGHTS VESTED IN THE AUTHORITY TO RECEIVE THE MONIES NECESSARY TO FULFILL
2 THE TERMS OF ANY AGREEMENTS MADE WITH THE HOLDERS OF THE BONDS, OR IN ANY WAY
3 IMPAIR THE RIGHTS AND REMEDIES OF THE BONDHOLDERS, UNTIL ALL BONDS ISSUED
4 UNDER THIS ARTICLE, TOGETHER WITH INTEREST ON THE BONDS, INTEREST ON ANY
5 UNPAID INSTALLMENTS OF PRINCIPAL OR INTEREST AND ALL COSTS AND EXPENSES IN
6 CONNECTION WITH ANY ACTION OR PROCEEDINGS BY OR ON BEHALF OF THE BONDHOLDERS,
7 ARE FULLY MET AND DISCHARGED. THE AUTHORITY BOARD, AS AGENT FOR THIS STATE,
8 MAY INCLUDE THIS PLEDGE AND UNDERTAKING IN ITS RESOLUTIONS AND INDENTURES
9 AUTHORIZING AND SECURING ITS BONDS.

10 5-1178. Validity of bonds; legal opinion

11 A. THIS ARTICLE CONSTITUTES FULL AUTHORITY FOR AUTHORIZING AND ISSUING
12 BONDS WITHOUT REFERENCE TO ANY OTHER LAW OF THIS STATE. NO OTHER LAW WITH
13 REGARD TO AUTHORIZING OR ISSUING OBLIGATIONS OR THAT IN ANY WAY IMPEDES OR
14 RESTRICTS PERFORMING THE ACTS AUTHORIZED BY THIS ARTICLE MAY BE CONSTRUED TO
15 APPLY TO ANY PROCEEDINGS TAKEN OR ACTS DONE PURSUANT TO THIS ARTICLE.

16 B. THE VALIDITY OF BONDS ISSUED UNDER THIS ARTICLE DOES NOT DEPEND ON
17 AND IS NOT AFFECTED BY THE LEGALITY OF ANY PROCEEDING RELATING TO THE
18 ACQUISITION, CONSTRUCTION, IMPROVEMENT, OPERATION OR MAINTENANCE OF A STADIUM
19 OR MULTIPURPOSE FACILITY FOR WHICH THE BONDS ARE ISSUED.

20 C. THE AUTHORITY BOARD MAY SUBMIT ANY BONDS TO BE ISSUED UNDER THIS
21 ARTICLE TO LEGAL COUNSEL AFTER ALL PROCEEDINGS FOR AUTHORIZING THE BONDS HAVE
22 BEEN COMPLETED. ON SUBMISSION THE COUNSEL SHALL EXAMINE AND PASS ON THE
23 VALIDITY OF THE BONDS AND THE REGULARITY OF THE PROCEEDINGS. IF THE
24 PROCEEDINGS COMPLY WITH THIS ARTICLE, AND IF THE BONDS WHEN DELIVERED AND
25 PAID FOR WILL CONSTITUTE BINDING AND LEGAL OBLIGATIONS OF THE AUTHORITY, THE
26 COUNSEL SHALL CERTIFY ON THE BACK OF EACH BOND, IN SUBSTANCE, THAT IT IS
27 ISSUED ACCORDING TO THE CONSTITUTION AND LAWS OF THIS STATE AND THAT THE
28 INTEREST ON THE BONDS WILL BE EXEMPT FROM STATE TAXES AS PROVIDED BY LAW.

29 D. THE BONDS SHALL RECITE THAT THEY ARE REGULARLY ISSUED PURSUANT TO
30 THIS ARTICLE. THAT RECITAL, TOGETHER WITH THE LEGAL OPINION UNDER SUBSECTION
31 C, CONSTITUTES PRIMA FACIE EVIDENCE OF THE LEGALITY AND VALIDITY OF THE
32 BONDS. FROM AND AFTER THE SALE AND DELIVERY OF THE BONDS, THEY ARE
33 INCONTESTABLE BY THIS STATE OR THE AUTHORITY.

34 Sec. 2. Conditional repeal

35 A. If a majority of the qualified electors voting on the issue in the
36 first election held pursuant to section 5-1103, Arizona Revised Statutes, as
37 added by this act, rejects the levy of taxes and issuance of bonds for the
38 purposes of establishing a sports authority district, title 5, chapter 9,
39 Arizona Revised Statutes, as added by this act, is repealed.

40 B. The clerk of the board of supervisors that conducts the election
41 shall notify the director of legislative council of the results of the
42 election and whether the condition described in subsection A of this section
43 occurred.

1 Sec. 3. Election

2 A. Except as otherwise provided by this section, the election held
3 under section 5-1103, Arizona Revised Statutes, as added by this act, shall
4 be conducted as nearly as practicable in the manner prescribed for general
5 elections in title 16, Arizona Revised Statutes.

6 B. The county election officer shall account for costs specifically
7 incurred with respect to the ballot issue under this section. The sports
8 authority district shall reimburse the county for the costs listed in this
9 subsection specifically incurred with respect to the ballot issue under this
10 section from the authority general fund on submission of the bill by the
11 county election officer. If the electors disapprove the formation of the
12 sports authority district, the election costs may be reimbursed from private
13 sources. Costs specifically incurred with respect to the ballot issue under
14 this this section include the following:

15 1. Costs of mailing, publishing, posting and printing ballots,
16 publicity pamphlets, notices, election materials and other matters concerning
17 the election.

18 2. Legal and other consulting fees and costs relating to the election.

19 3. Telecommunications costs.

20 4. Compensation of the election board, county election officers and
21 employees and other labor costs incurred to administer, hold, canvass and
22 announce the results of the election.

23 5. Any other costs attributable to the election.

24 C. This act does not constitute a submission of any provision of law
25 to the people for approval under the power of the referendum.